

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1, 3-9, 11-29, 31-37, and 39-56 are currently pending. The present amendment amends Claims 1, 11, and 29, and cancels Claims 2, 10, 30, and 38 without prejudice. The changes to the claims are supported by the originally filed application and no new matter has been added.

In the outstanding Office Action, Claims 1, 10, 29, and 38 were rejected under 35 U.S.C. § 102(e) as anticipated by Nabeshima et al. (U.S. Patent No. 5,930,008, herein “Nabeshima”). Claims 11, 16, 39, and 44 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nabeshima in view of Kumashiro et al. (U.S. Patent No. 5,864,408, herein “Kumashiro”). Claims 17, 18, 45, and 46 were rejected under 35 U.S.C. 103(a) as unpatentable over Nabeshima in view of Uemura et al. (U.S. Patent No. 6,128,100, herein “Uemura”). Claim 11 was objected to because of an informality. Claims 2-9, 12-15, 19-24, 30-37, and 47-52 were objected to but allowable if rewritten in independent form. Claims 25-28 and 53-56 were allowed.

Applicant appreciatively acknowledges the indication of allowable subject matter in Claims 2-9, 12-15, 19-28, 30-37, and 47-56.

In response to the objection to Claims 2-9 and 30-37, Claims 1 and 29 are amended to incorporate allowable Claims 2 and 30, respectively. Claims 2, 10, 30, and 38 are canceled without prejudice or disclaimer. Accordingly, amended independent Claims 1 and 29 (and dependent Claims 3-9 and 31-37) are now allowable.

In response to the rejection of Claims 11, 16, 39, and 44, Applicant respectfully requests reconsideration of the rejection and traverses the rejection as discussed next.

Claim 11, which is also representative of Claim 39, is directed to an image reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen including a white plate positioned above the glass platen for constituting a white reference for reading the document; moving means for moving the glass platen; and control means causing the moving means to move the glass platen while the reading section reads an image, wherein while causing the moving means to move the glass platen, the control means causes the reading section to read an image, determines whether or not contamination is present on the basis of resulting image data, and distinguishes contamination of the glass platen and contamination of the white plate.

The Office Action states on page 3 that Nabeshima, directed to an image reading device capable of reading documents without influence from a soiled or damaged document platen, does not teach the features associated with the claimed white plate, but asserts that Kumashiro, directed to a reading device to be used in a handling apparatus with a reference white plate, teaches those features. Applicant respectfully disagrees.

Kumashiro teaches first and second reference white plates but does not teach or suggest that either or both of these plates “distinguishes contamination of the glass platen and contamination of the white plate.” In fact, the Office Action does not provide a passage of Nabeshima supporting this feature and rather only cites this on page 4 as a motivation to combine Nabeshima and Kumashiro. Applicant respectfully submits that “[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).”<sup>1</sup> The “distinguishes contamination of the glass platen and contamination of the white plate” feature used as a motivation to combine comes from applicant's disclosure, not from the prior art. Accordingly, Applicant respectfully submits

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<sup>1</sup> See M.P.E.P. § 2143. Emphasis added.

that a *prima facie* case of obviousness was not established. Moreover, as illustrated in Fig. 8A, Kumashiro uses the white plates to determine an output level curve using peak values of the first and second reference white plates. This neither teaches nor suggests a control means that “distinguishes contamination of the glass platen and contamination of the white plate.” There is a fundamental difference between detecting a contamination through observed peak volumes and distinguishing between two types of contaminations.

Accordingly, the combination of Nabeshima and Kumashiro is improper, and even if it were proper, Nabeshima and Kumashiro, whether taken alone or in combination, do not teach “while causing the moving means to move the glass platen, the control means causes the reading section to read an image, determines whether or not contamination is present on the basis of resulting image data, and distinguishes contamination of the glass platen and contamination of the white plate.” Therefore, Applicant respectfully submits that independent Claims 11 and 39 (and all associated dependent claims) patentably define over Nabeshima and Kumashiro. It is therefore respectfully requested that the rejection of Claims 11, 16, 39, and 44 be withdrawn.

In response to the rejection of Claims 17, 18, 45, and 46, Applicant respectfully requests reconsideration of the rejection and traverses the rejection as discussed next.

Claim 17, which is also representative of Claim 45, is directed to an image reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen including: a body; moving means for moving the glass platen; and cleaning means affixed to said body and contacting the glass platen for cleaning a top of the glass platen; wherein while the moving means moves the glass platen, the cleaning means moves relative to the glass platen to thereby clean the top of the glass platen.

The Office Action states on page 4 that Nabeshima does not teach the features associated with the cleaning means, but asserts that Uemura, directed to an image forming

apparatus and a method for assembling the apparatus, teaches these features. Applicant respectfully disagrees.

Specifically, the Office Action states that Uemura teaches “cleaning means affixed to said body and contacting the glass platen for cleaning a top a said glass platen” and uses Col. 3, lines 55-62, of Uemura in support. However, Uemura only discloses in this cited portion “a cleaning unit 325 along a circumference of the photoreceptor 321.” Fig. 2 of Uemura clearly indicates that the cleaning unit 325 is inside the device, not affixed to the body, and certainly nowhere near the glass platen 11. Therefore, Uemura does not teach “cleaning means affixed to said body and contacting the glass platen for cleaning a top of the glass platen.” Moreover, Uemura could not teach “wherein while the moving means moves the glass platen, the cleaning means moves relative to the glass platen to thereby clean the top of the glass platen” since the cleaning means of Uemura is not located near the glass platen and does not clean the platen but rather removes “[t]oner residues on the surface of the photoreceptor 321.”<sup>2</sup>

Accordingly, even if the combination of Nabeshima and Uemura were assumed proper, Nabeshima and Uemura, whether taken alone or in combination, do not teach cleaning means affixed to said body and contacting the glass platen for cleaning a top of the glass platen; wherein while the moving means moves the glass platen, the cleaning means moves relative to the glass platen to thereby clean the top of the glass platen. Therefore, Applicant respectfully submits that independent Claims 17 and 45 (and all associated dependent claims) patentably define over Nabeshima and Uemura. It is therefore respectfully requested that the rejection of Claims 17, 18, 45, and 46 be withdrawn.

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<sup>2</sup> See Uemura at col. 3, lines 63-64.

Consequently, it is believed that the application is in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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